

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DANIEL POLLARD-FISHER and  
ZACHARY POLLARD-FISHER, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELLE DUBAY,

Respondent-Appellant.

UNPUBLISHED

August 10, 2006

No. 267767

Ogemaw Circuit Court

Family Division

LC No. 05-012856-NA

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Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(i) and (j). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the court must terminate respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). The decision regarding the child's best interests is also reviewed for clear error. *Id.* at 356-357.

Respondent challenges only the trial court's best interests decision, arguing that the court should have given her more time to demonstrate that she could maintain a stable home for the minor children. The trial court did not err in its best interests determination. Although the evidence showed that there was a bond between the minor children and respondent, it was outweighed by the minor children's need for stability, security, and permanence. Respondent was familiar with the services that were available and with the court system. She previously had her rights to two other children terminated, one in 1994 and the other in 2001. Petitioner became involved again with respondent and with the minor children in the fall of 2004 and, in doing so, offered services to assist respondent with housing, medical and dental care for the minor children, and parenting skills. Respondent either refused the services directly or moved so frequently, providing no forwarding address, that services could not be implemented. The minor children were exposed to a chaotic lifestyle that involved moving nine times in a year, witnessing

the abuse of their mother by a boyfriend, observing their mother's friends doing drugs, and inappropriate parenting and punishments. Moreover, at the time of the termination trial respondent's living situation was precarious. In exchange for cleaning, she was allowed to live in the home of Robert Timmreck. The home was titled in the estate of Mr. Timmreck's deceased fiancée. According to Dr. Wayne Simmons, the psychologist who evaluated the minor children, the minor children were significantly affected by the chaotic lifestyle that respondent provided, and it was critical for each of them to be provided with security, love, and limits immediately. Respondent had been given many opportunities and adequate time to show the court that she could meet the minor children's needs, and she failed to do so. The trial court did not err in refusing to give her more time.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder